

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

R.S.A. NO.4965 OF 2014

DATE OF DECISION: FEBRUARY 23, 2016

Gian Singh @ Gial Singh and others

.....Appellants

VERSUS

Jaggi Lal and others

....Respondents

CORAM:- HON'BLE MR.JUSTICE AUGUSTINE GEORGE MASIH

1. Whether Reporters of local papers may be allowed to see the judgement?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. D. S. Channan, Advocate,
for the appellants.

AUGUSTINE GEORGE MASIH, J.

Challenge in this appeal is to the judgment and decree dated 16.03.2011 passed by the Civil Judge (Junior Division), Bathinda, whereby the suit for declaration to the effect that the appellant-plaintiffs are owners of land measuring 4 bighas 17 biswas comprised in Khasra No.3845 and the sale deed bearing No.1779 dated 24.06.1975, Farad Badar No.35 dated 28.06.2001 and sale deed No.1796 dated 13.06.1977 are null and void being a result of forgery and fabrication with a further relief of possession of the suit land and permanent injunction, restraining the respondent-defendants from alienating the same, stands dismissed, appeal against which preferred by the appellant-plaintiffs has also been dismissed by the Additional District Judge, Bathinda, on 22.03.2014.

predecessors-in-interest of the appellant-plaintiffs, namely, Arjun Singh and Amar Singh, were settled in West Pakistan and after partition, came back to India and settled at Bathinda. They were allotted land measuring 19 bighas 18 biswas by the Settlement Officer, Bathinda and in pursuance thereof, they came in possession of the suit land. In the month of August 2001, respondent-defendants dispossessed the appellant-plaintiffs from the suit land and took forcible possession of the same. On enquiry, they came to know that predecessors-in-interest of the defendants, namely, Moti Lal, Yog Raj and Sikander Singh, in connivance with the revenue authorities, have got entered Farad Badar No.35 dated 28.06.2001, vide which land measuring 2 bighas 11 biswas, comprising in Khasra No.3845, which was owned by the predecessors-in-interest of the appellant-plaintiffs, was transferred in the names of Moti Lal, Ayodhia Mal, Sikander Singh and Raghubans. They further came to know that the respondent-defendants, in connivance with the revenue authorities, had forged the sale deed No.1799 dated 24.06.1975 allegedly executed by Arjun Singh and Amar Singh with regard to land measuring 1 bigha 11 biswas out of Khasra No.3845 and further that 15 bighas out of Khasra No.3845 has been shown transferred to Santa Singh in the year 1976. Thereafter, Santa Singh got executed registered sale deed No.1796 dated 13.06.1977 in favour of the predecessors-in-interest of the respondent-defendants. The appellant-plaintiffs assert that the land in these sale deeds was allotted to their predecessors-in-interest, namely, Arjun Singh and Amar Singh and the said allotment has never been cancelled. He, thus, contends that the Courts below have wrongly proceeded to dismiss the suit of the appellant-plaintiffs without taking into consideration the fact that the suit land has been

sanctioned and allotted in their favour as per the allotment by the Settlement Officer, Bathinda. Contention has, thus, been raised for setting-aside the impugned judgments and decree passed by the Courts below.

I have heard the learned counsel for the appellants and with his able assistance have gone through the impugned judgments but do not find any illegality in the same.

When a question was put to the counsel for the appellant-plaintiffs as to whether the onus to prove the assertions was upon the appellant-plaintiffs or not, he admitted and answered in positive and further said that the case is based on revenue record. On a categorical query put by this Court as to which document show the allotment of Khasra No.3845 in favour of the predecessors-in-interest of the appellant-plaintiffs, Arjun Singh and Amar Singh, he has been able to show only one entry, which pertains to 1 bigha and 11 biswas of land out of Khasra No.3845. Therefore, the right of the appellant-plaintiffs, if any, qua the land in Khasra No.3845, is restricted to the said area only, which is the subject matter of sale deed No.1779 dated 24.06.1975. Thus, the land, which is the subject matter of sale deed No.1796 dated 13.06.1977, which has also been challenged, has not been shown to have been ever allotted to the predecessors-in-interest of the appellant-plaintiffs. The land measuring 1 bigha 11 biswas, which is asserted to have been sanctioned and allotted to the predecessors-in-interest of the appellant-plaintiffs has been proved to have been sold by them vide sale deed No.1779 dated 24.06.1975.

The assertion of the appellant-plaintiffs that both sale deeds are forged and fabricated has not been substantiated by any evidence led by them in support thereof. In the absence of evidence to the effect that these

documents were forged and fabricated one, the findings, as recorded by the Courts below, cannot be faulted with.

No other point has been argued by learned counsel for the appellant-plaintiffs.

Both the Courts below have returned concurrent findings after properly appreciating the pleadings and evidence brought on record by the parties and the same cannot be interfered with as there is no perversity or illegality in the same.

No substantial question of law is involved in the present appeal. Therefore, finding no merit in the appeal, the same stands dismissed.

February 23, 2016
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(AUGUSTINE GEORGE MASIH)
JUDGE